

12
Scan

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

RECEIVED

2003 NOV 14 A 10:58

In the Matter of the Application of)
)
MAKENA WASTEWATER CORP.)
For a Certificate of Public)
Convenience and Necessity to)
Provide Sewage Services on the)
Island of Maui, County of)
Maui and for Approval)
of Rates, Rules and Regulations)
_____)

DOCKET NO. 02-0133

DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

STIPULATED PROCEDURAL ORDER NO. 20636

AND

CERTIFICATE OF SERVICE

Filed Nov. 13, 2003

At 2 o'clock P.m.

Karen Higdon
Chief Clerk of the Commission

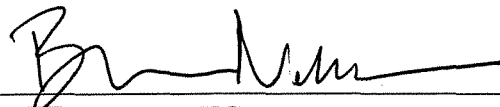
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)	
)	DOCKET NO. 02-0133
MAKENA WASTEWATER CORP.)	
For a Certificate of Public)	
Convenience and Necessity to)	
Provide Sewage Services on the)	
Island of Maui, County of)	
Maui and for Approval)	
of Rates, Rules and Regulations)	
_____)	

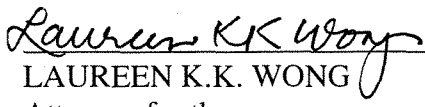
STIPULATED PROCEDURAL ORDER

Applicant MAKENA WASTEWATER CORP. ("MWC") and the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs (the "Consumer Advocate") hereby stipulate that the attached Stipulated Procedural Order is mutually acceptable to each respective party.

DATED: Honolulu, Hawaii, NOV 06 2003.



CLIFFIORD K. HIGA
BRUCE NAKAMURA
Attorneys for
MAKENA WASTEWATER CORP.



LAUREEN K.K. WONG
Attorney for the
Division of Consumer Advocacy
Department of Commerce and Consumer Affairs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)	
)	DOCKET NO. 02-0133
MAKENA WASTEWATER CORP.)	
For a Certificate of Public)	
Convenience and Necessity to)	
Provide Sewage Services on the)	
Island of Maui, County of)	
Maui and for Approval)	
of Rates, Rules and Regulations)	
_____)	

STIPULATED PROCEDURAL ORDER

On May 17, 2002, Makena Wastewater Corp. ("MWC") filed an application for a Certificate of Public Convenience and Necessity to Provide Sewage Services on the Island of Maui, County of Maui and for Approval of Rates, Rules and Regulations. MWC served copies of the application on the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs (the "Consumer Advocate" or "CA").

On May 28, 2003, MWC amended its application and filed its First Amended Application for a Certificate of Public Convenience and Necessity and for Approval of Rates, Rules and Regulations. MWC has also served copies of the amended application on the Consumer Advocate.

By Order No. 20437, filed September 15, 2003, the Commission directed MWC and the Consumer Advocate to work together to formulate the issues, procedures and schedule with respect to this proceeding and to formulate a stipulated prehearing order for submission to the Commission for approval by October 6, 2003 (twenty days from the date of Order No. 20437).

On October 6, 2003, the Consumer Advocate filed a letter requesting a two-week extension of time (from October 6, 2003 to October 20, 2003) to comply with Order No. 20437.

In response to this written request, the Commission found that there was good cause to approve the Consumer Advocate's request for an extension of time. See Order No. 20573.

MWC and the Consumer Advocate have reached agreement on procedural matters and submit this Stipulated Procedural Order to the Commission, which is acceptable to the parties.

ACCORDINGLY, IT IS ORDERED that the following Statement of Issues, Schedule of Proceedings, and procedures shall be utilized in this docket.

I.

STATEMENT OF THE ISSUES

The issues in this docket are:

1. Is MWC fit, willing, and able to properly perform the wastewater service proposed in the amended application, and to conform to the terms, conditions and rules adopted by the Commission regarding said service?
2. Is the proposed service set forth in the amended application required, or will said service be required by the present or future public convenience and necessity?
3. Are MWC's proposed rates, charges, and tariff rules and regulations for the proposed service in the amended application just and reasonable?

II.

SCHEDULE OF PROCEEDINGS

CA Information Requests ("IRs") to MWC ¹	November 3, 2003
MWC IR Responses to CA ¹	December 1, 2003
Parties technical meeting	December 15, 2003
CA Statement of Position	January 9, 2004

¹ Whenever possible, parties will provide copy of documents on diskette upon request.

III.

MISCELLANEOUS MATTERS TO FACILITATE AND EXPEDITE THE ORDERLY CONDUCT OF THESE PROCEEDINGS

A. Requests for Information

To the extent practical, MWC and the Consumer Advocate will cooperate (1) by exchanging information requests and responses as they become available, and (2) by resolving questions regarding information requests and responses informally to attempt to work out problems with respect to understanding the scope or meaning of information requests, or with respect to the availability of information. If a party is unable to provide the information requested within the prescribed time period, it should so indicate to the inquiring party as soon as possible. The parties shall then endeavor to agree upon a later date for submission of the requested information.

In lieu of responses to information requests that would require the reproduction of voluminous documents or materials, the documents or materials may be made available for reasonable inspection and copying at a mutually agreeable designated location and time. In the event such information is available on computer diskette or other readily usable electronic medium, the party responding to the information request may make the diskette or such electronic medium available to the other party and the Commission.

A party shall not be required, in a response to an information request, to provide data that are already on file with the Commission or otherwise part of the public record, or that may be stipulated to pursuant to Part B, infra. The responding party shall, in lieu of production of a document in the public record, include in its response to the information request an identification of the document with reasonable specificity sufficient to enable the requesting party to locate and copy the document. In addition, a party shall not be required, in a response to an information

request, to make computations, compute ratios, reclassify, trend, calculate, or otherwise rework data contained in its files or records.

A party may object to responding to an information request that it deems to be irrelevant, immaterial, unduly burdensome, onerous or repetitious, or where the response contains information claimed to be privileged or subject to protection (confidential information). If a party claims that information requested is confidential, and withholds production of all or a portion of such confidential information, the party shall: (1) provide information reasonably sufficient to identify the confidential information withheld from the response, without disclosing privileged or protected information; (2) state the basis for withholding the confidential information (including, but not limited to, the specific privilege applicable or protection claimed for the confidential information and the specific harm that would befall the party if the information were disclosed); and (3) state whether the party is willing to provide the confidential information pursuant to a protective order governing this docket.

A party seeking production of documents notwithstanding a party's claim of confidentiality, may file a motion to compel production with the Commission.

B. Matters of Public Record

In order to provide a means to reduce unnecessary reproduction of documents and to facilitate these proceedings, identified matters of public record, such as reports that MWC has filed with the Commission, published decisions of this or other Commissions, published scientific or economic statistical data, material and textbooks, technical or industry journals relating to electric utility matters, and specified parts of the record in previous Commission dockets shall be admissible in this proceeding without the necessity of reproducing each document; provided that the document to be admitted is clearly identified by reference to the

place of publication, file or docket number, and the identified document is available for inspection by the Commission and the parties; and further provided that any party has the right to explain, qualify or conduct examination with respect to the identified document. The Commission can rule on whether the identified document can be admitted into evidence when a party proffers such document for admission as evidence in this case.

From time to time, the parties may enter into stipulations that such documents, or any portion of such documents, may be introduced into evidence in this case.

C. Copies of Filings and Information Requests.

1. Filings:

Commission	Original + 8 copies
MWC	2 copies
Consumer Advocate	2 copies

2. Information Requests and Responses:

Commission	Original + 8 copies
MWC	2 copies
Consumer Advocate	2 copies

3. All pleadings, and other documents required to be filed with the Commission shall be filed at the office of the Commission in Honolulu within the time limit prescribed pursuant to Chapter 61, subchapter 2, section 6-61-15 of the Commission's Rules of Practice and Procedure.

4. Copies of all filings, information requests and information request responses should be sent to the other parties by hand delivery or via facsimile. In addition, if available, all parties shall provide copies of their filings, information requests and information request responses to the other parties via diskette or e-mail in a standard electronic format that is readily available by the parties. The parties agree to use Word 97 or Word 2000 as the standard

programming format for filings in this case. However, if workpapers, documentation, or exhibits attached to any filing are not readily available in an electronic format, a party shall not be required to convert such workpapers, documentation, or exhibits into an electronic format. Also, existing documents produced in response to requests need not be converted to Word 97/Word 2000 as long as the applicable format is identified. In the event a copy of a filing, information request or information request response is delivered to a party via diskette or e-mail, unless otherwise agreed to by such party, the same number of copies of such filing, information request or information request response must still be delivered to such party by hand delivery or via facsimile as provided in Parts C.1 and C.2 above.

D. Communications

Chapter 61, subchapter 3, section 6-61-29 of the Commission's Rules of Practice and Procedure concerning ex-parte communications is applicable to any communications between a party and the Commission. However, the parties may communicate with Commission counsel on matters of practice and procedure through their own counsel or designated official.

Communications between the parties should either be through counsel or through designated representatives. All pleadings, papers, and other documents filed in this proceeding shall be served on the opposing party. All motions, supporting memoranda, , and the like shall also be served on opposing counsel.


E. General

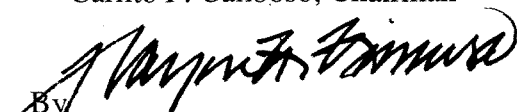
These procedures are consistent with the orderly conduct of this docket.

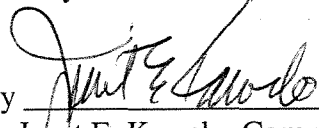
Pursuant to Chapter 61, subchapter 3, section 6-61-37 of the Commission's Rules of Practice and Procedure, this Stipulated Procedural Order shall control the subsequent courses of the proceedings, unless modified at or prior to the hearings to prevent manifest injustice.

DONE at Honolulu, Hawaii, this 13th day of November, 2003.

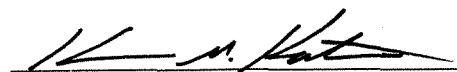
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Kevin M. Katsura
Commission Counsel

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Stipulated Procedural Order No. 20636 upon the following parties and participant, by causing a copy hereof to be mailed, postage prepaid and properly addressed to each such party or participant.

DEPARTMENT OF COMMERCE
AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P.O. Box 541
Honolulu, HI 96809

CLIFFORD K. HIGA, ESQ.
BRUCE NAKAMURA, ESQ.
999 Bishop Street, Suite 2600
Honolulu, HI 96813

John Oka, Vice President
Makena Wastewater Corp.
5415 Makena Alanui
Kihei, Maui, HI 96753



KAREN HIGASHI
Chief Clerk

DATED: November 13, 2003